

INTERNATIONAL CHURCH
FOURSQUARE GOSPEL,

Plaintiff,

v.

CITY OF SAN LEANDRO, et. al.

Defendants.

FAITH FELLOWSHIP FOURSQUARE
CHURCH,

Real Party in Interest.

) Case No.: CO7-03605-PJH-JCS

)

) **EXHIBIT 1 OF DECLARATION OF**
) **KEVIN SNIDER IN SUPPORT OF**
) **MOTION FOR SUMMARY**
) **JUDGMENT**

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Date: October 1, 2008

Time: 9:00 a.m.

Courtroom: 3

Hon.: Phyllis J. Hamilton

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL CHURCH OF THE
FOURSQUARE GOSPEL,

Plaintiff,

vs.

No. C 07-03605 PJH

CITY OF SAN LEANDRO, et al.,

Defendants,

FAITH FELLOWSHIP FOURSQUARE
CHURCH,

Real Party in Interest.

DEPOSITION OF JOHN JERMANIS

DATE: MAY 19, 2008

TIME: 2:35 P.M.

LOCATION: MEYERS NAVE RIBACK SILVER & WILSON
555 13th Street
Suite 150
Oakland, California 94607

Reported By: Jane H. Stuller
Certified Shorthand Reporter
License Number 7223, RPR

415.499.DEPO ~ 866.936.DEPO
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1 recommendation to the City Council through the business
2 development committee.

3 BY MR. MacDONALD:

4 Q. Okay. So for some reason though, the staff
5 concluded that there was a need to allow assembly uses
6 in industrial districts.

7 Do you -- did you have any conversation with
8 the staff about how that conclusion came to be?

9 A. I -- I recall hearing from the staff that their
10 feeling was that there were not any longer sites
11 available in the residential area for churches, and that
12 other areas needed to be considered.

13 Q. Did Faith Fellowship represent a bigger problem
14 in the sense that they were a bigger congregation -- a
15 congregation of over 1000 and that may -- that, I guess
16 -- did the staff discuss with you the idea that they
17 were a larger congregation that might not fit within a
18 residential zone?

19 A. I don't recall it being them in particular. It
20 was just, you know, large churches or churches in
21 general would find it different to locate a site in a
22 residential area and that other areas -- possibly it
23 should be considered.

24 Q. And is it your experience that residential
25 neighborhoods welcome new churches into their

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1 neighborhood when they are proposed?

2 MS. FOX: Objection; lacks foundation. I think
3 he already testified he wasn't a land use expert.

4 MR. MacDONALD: I'm just asking about his
5 experience, not about his land-use expertise.

6 THE WITNESS: I think the only experience I can
7 really speak to is with Faith Fellowship Church itself.
8 When they acquired the property on Manor Boulevard,
9 there were concerns raised by the residents in terms of
10 traffic and congestion issues in that residential area.
11 Other than that, I haven't had any applications
12 involving church uses within the city that I can recall.

13 BY MR. MacDONALD:

14 Q. Those concerns were born out in the case of
15 Manor neighborhood; is that correct?

16 A. Not initially. It was -- initially when they
17 first went in they, were the smaller scale. It was only
18 when they made application to expand that it became more
19 of a concern for the neighborhood, so they grew once
20 they were in place.

21 MR. MacDONALD: I'd like to have you mark this
22 as Plaintiff's Exhibit 2.

23 (Whereupon, Plaintiff's Exhibit No. 2 was
24 marked for identification.)

25 BY MR. MacDONALD:

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1 criteria.

2 Q. Overlay area must allow a contiguous area
3 greater than or equal to two acres.

4 What -- why -- what would be the purpose for
5 that?

6 MS. FOX: Same objections.

7 THE WITNESS: To -- my understanding was to
8 allow an adequate size to be able to accommodate both
9 the building and parking needs of a church or those that
10 are using assembly.

11 BY MR. MacDONALD:

12 Q. So under this criteria, if it were a 3.5-acre
13 site, it would have enough. But if it were a 1.3-acre
14 site, it wouldn't have enough --

15 MS. FOX: Objection; unintelligible.

16 BY MR. MacDONALD:

17 Q. -- land area?

18 MS. FOX: Objection; vague and ambiguous as to
19 "enough."

20 BY MR. MacDONALD:

21 Q. Would have enough to meet this criteria?

22 A. Correct.

23 Q. Okay. And in looking at the whole issue of
24 Faith Fellowship Church, are you aware of any locations
25 within San Leandro which would -- which -- any buildings

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1 within San Leandro which they could acceptably locate?

2 A. No.

3 Q. Were you aware that Faith Fellowship had an
4 option for their property that was set to expire late in
5 2007?

6 A. Yes.

7 Q. Were you aware that they were in the position
8 of having to either drop their option or close escrow
9 because they had not gotten an answer from the city
10 regarding acceptability of that proposed location?

11 A. Yes.

12 Q. During the time they were under option, were
13 you aware of other people who either expressed an
14 interest in the Catalina Court location or actually had
15 back-up offers on the Catalina Court location?

16 A. I'm not aware of that.

17 Q. You didn't hear anything about other potential
18 users?

19 A. I heard about potential users of the property,
20 but I can't recall them by name, but the -- expressions
21 of interest in that property, yes.

22 Q. Who would some of those --

23 A. I don't recall the names.

24 Q. Who would you have heard that from?

25 MS. FOX: Objection; calls for speculation.